

DOCKET NO.: CHIR-0157 (0316.006)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
Cavacci et al

Serial No.: 09/360,685

Group Art Unit: 1645

Filing Date: July 26, 1999

Examiner: S. Devi

For: **HELICOBACTER PYLORI CAI ANTIGEN PROTEINS USEFUL FOR  
VACCINES AND DIAGNOSTICS**

## Certificate of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted  
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On

November 30, 2001

Rafael S. Quertin  
Reg. No. 45,028Box ☐ NON-FEE☐ AFAssistant Commissioner for Patents  
Washington DC 20231

Sir:

## AMENDMENT TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ A Response to the Restriction Requirement Dated October 22, 2001.
- ☐ An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- ☐ Other: \_\_\_\_\_.

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- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
  - ☐ a Small Business Concern
  - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☐ Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: \_\_\_\_\_  
\_\_\_\_\_ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
  - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: \_\_\_\_\_
- ☐ Other Material as follows: \_\_\_\_\_

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PATENT

## FEE CALCULATION

☐ No Additional Fee is Due.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	42	42 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	15	15 (3 MINIMUM)	0	\$42 EACH	\$	\$84 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$0
<input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$110.0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$	\$400	\$0
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$460	\$	\$920	\$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$720	\$	\$1440	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$980	\$	\$1960	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$0
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE							\$110.00

☐ A Check is Enclosed in the Foregoing Amount Due.

☒ Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of **October 22, 2001** to and through **December 22, 2001** comprising an extension of the shortened statutory period of **one month**.

☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is


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further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☒ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: *November 30, 2001*

  
Robin S. Quartin, Ph.D.  
Registration No. 45,028

Woodcock Washburn LLP  
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GROUP 1600

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DATE: November 30, 2001

OFFICIAL

JOB CODE:

17003

## RESTRICTION ELECTION FACSIMILE

Examiner: S. Devi, Ph.D.  
Art Unit: 1645  
Telecopier No.: 703-308-4315

Sender's Name: Robin S. Quartin, Ph.D., Esq.  
Serial No.: 09/360,685, filed July 26, 1999  
Docket No.: CHIR-0157  
Total Pages Including cover sheet: 11

The following items have been acknowledged as being received via facsimile on November 30, 2001 by the United States Patent and Trademark Office:

Facsimile Cover Sheet including return receipt acknowledgment (1 page); Amendment Transmittal Letter with certificate of facsimile transmission in duplicate (8 pages); Response to Restriction Requirement with certificate of facsimile transmission (2 pages); Petition for one-month extension of time; fee of \$110.00; authorization to charge deposit account for extension fee;

If transmission is not complete, please call (215) 568-3100

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: *Covacci et al.*

Serial No.: 09/360,685

Group Art Unit: 1645

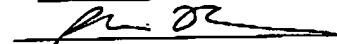
Filed: July 26, 1999

Examiner: S. Devi

For: **HELICOBACTER PYLORI CAI ANTIGEN PROTEINS  
USEFUL FOR VACCINES AND DIAGNOSTICS**

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the Patent and Trademark Office on the date shown below.

On November 30, 2001

Robbie S. Quartin  
Reg. No. 45,028

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

A requirement for restriction under 35 U.S.C. §§121 was set forth in the Official Action mailed October 22, 2001, in the above-identified patent application. The period to respond is extended by petition, and payment of the appropriate fee provided herewith.

The Official Action required restriction to one of two groups of inventions, classified as Groups I and II. Group I is identified by the Examiner as claims 38 - 42, 44, 45, 47, 48, 50 - 54, 56, 57, 59, 60 - 63, 66, 68, and 70 - 80. Applicants note that claim 52 was canceled without prejudice in the Amendment filed on August 3, 2000. Therefore, Applicants believe that the Examiner intends Group I to consist of claims 38 - 42, 44, 45, 47, 48, 50, 51, 53, 54, 56, 57, 59, 60 - 63, 66, 68, and 70 - 80. Group I is said to be drawn to a polypeptide of the *Helicobacter pylori* CAI antigen comprising at least 10 amino acids of SEQ ID NO:5, a vaccine comprising the same and a method of preparing the vaccine. Group II (claims 64 and 65) is said to be drawn to a method of treating an individual infected with *Helicobacter pylori* by administering a vaccine comprising a polypeptide of the *Helicobacter pylori* CAI antigen. The Official Action

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**PATENT APPLICATION**

**SERIAL NO.: 09/360,685**  
**FILED: July 26, 1999**

asserts that the two groups represent distinct inventions. Applicants respectfully traverse this restriction requirement.

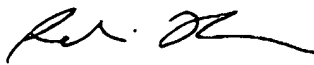
Applicants respectfully submit that Groups I and II are sufficiently related that a search of the prior art relevant to all of the claims in the application would not cause substantial burden to the Examiner, as both groups identified by the Examiner are related to a polypeptide of the *H. pylori* CAI antigen. In order to be fully responsive, however, and to further prosecution on the merits, Applicants hereby elect for prosecution the Group I claims.

**Conclusion**

Applicants respectfully submit that the pending claims are in condition for allowance. A notice of allowance is earnestly solicited. The Examiner may call the undersigned at 215-557-5901, if a telephonic interview would be helpful.

Respectfully submitted,

Date: *November 30, 2001*

  
**Robin S. Quartin, Ph.D.**  
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